

### **REMARKS**

The Office Action mailed March 22, 2006 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Claim Summary**

Claims 1-31, 33, 35-45, and 50-63 are currently pending in the application, with claims 1, 20, 38, 50, 57, 60, and 63 being independent claims. Claims 1, 10, 20, 38, 50, and 57 are amended; claims 34 and 46-49 are cancelled; and claims 60-63 are added, in accordance with the above amendments.

The Applicants also wish to point out that claim 32 was inadvertently omitted in the present application, as filed. Accordingly, no claim 32 has been filed or is currently pending in the application.

#### **II. Discussion of Claim Restriction**

The Applicants hereby affirm the election of claims drawn to a method of making a sole without traverse, and the Applicants respectfully submit that claims 1-45 and 50-63 fall within the elected group. Claims 46-49 are withdrawn from consideration and are cancelled without prejudice or disclaimer, in accordance with the above amendments. The Applicants reserve, however, the right to file one or more divisional applications to the subject matter of the non-elected and cancelled claims.

#### **III. Office Action Summary**

The following claim rejections are submitted by the Examiner in the outstanding Office Action:

- Claims 1-6, 8-9, 12, 14-17, 19-25, 27, 30-32, 34-35, 37-43, and 49-53 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,029,962 to Shorten;
- Claims 7, 18, 26, 36, 44, and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of Shorten and U.S. Patent Number 6,119,371 to Goodwin, et al;

- Claims 1, 13, 20, 28-29, and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of U.S. Patent Number 5,595,004 to Lyden, et al. and Shorten; and
- Claims 49 and 54-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of Goodwin and Shorten.

The Office Action also objected to claims 10, 11, and 20-36 under 35 U.S.C. §112, second paragraph, as being indefinite. The Applicants respectfully submit that the amendments to claims 10 and 20 overcome this rejection.

#### **IV. Discussion of Claims 1-19**

Independent claim 1 recites a method of manufacturing a sole component for an article of footwear. The method includes molding a fluid-filled bladder from a polymer material. A reinforcing member is recessed into an exterior surface of the bladder and bonded to the bladder. In addition, at least a portion of the reinforcing member is placed in tension by pressurizing the bladder.

The Office Action rejects independent claim 1 as being anticipated by Shorten and obvious over the combination of Lyden and Shorten. Neither Shorten nor Lyden teach or suggest placing a reinforcing member in tension by pressurizing a bladder. More particularly, Shorten discloses locating inserts within indentations in surfaces of the bladder, but there is no indication in Shorten that pressurizing the bladder induces tension in the inserts. That is, Shorten is silent as to the state of the inserts. Accordingly, there is no indication in either Shorten or Lyden that pressurizing a bladder induces tension in a reinforcing member.

Based upon the above discussion, the Applicants respectfully submit that independent claim 1 is allowable over Shorten, Lyden, and combinations thereof. In addition, claims 2-19 should be allowable for at least the same reasons. Furthermore, claims 7 and 18 should be allowable as Goodwin does not remedy the deficiencies discussed above.

#### **V. Discussion of Claims 20-37**

Independent claim 20 recites a method of manufacturing a sole component for an article of footwear. The method includes positioning a reinforcing member within a mold such that a first surface of the reinforcing member contacts a surface of the mold that forms a cavity within

the mold. A bladder is formed by drawing a polymer material against the surface of the mold that forms the cavity and against a second surface of the reinforcing member, the first surface being opposite the second surface. The polymer material is extended at least partially around the reinforcing member to recess the reinforcing member into the polymer material such that each of the bladder and first surface of the reinforcing member form a portion of an exterior surface of the sole component. The bladder and the first surface are substantially co-planar at an interface on the exterior surface between the bladder and the reinforcing member. In addition, the polymer material is bonded to the second surface of the reinforcing member.

The Office Action rejects independent claim 20 as being anticipated by Shorten and obvious over the combination of Lyden and Shorten. Neither Shorten nor Lyden teach or suggest a bladder and reinforcing member that are substantially co-planar at an interface on the exterior surface between the bladder and the reinforcing member.

With regard to Shorten, a relationship between the inserts and the bladder are shown in the cross-section of Figure 16, as follows:

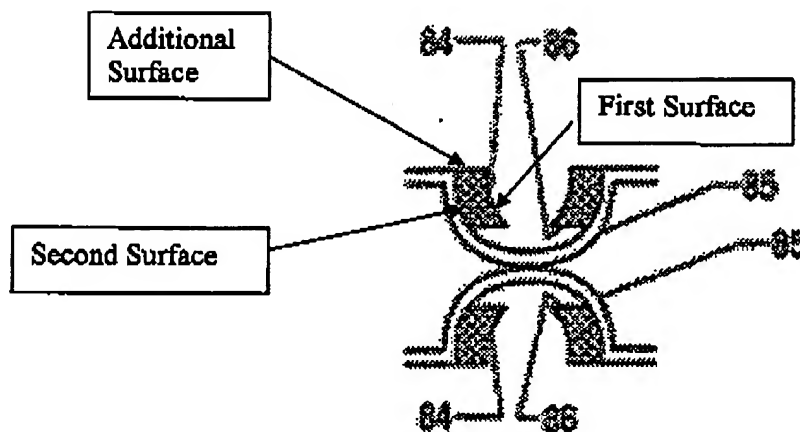


FIG. 16

According to independent claim 20, (a) the first surface of the reinforcing member is opposite the second surface, (b) the second surface is bonded to the bladder, and (c) the bladder and the first surface are substantially co-planar at an interface on the exterior surface between the bladder and the reinforcing member. As illustrated above, Shorten does not disclose this configuration.

More particularly, in Figure 16, first and second surfaces that are opposite each other are identified, and the second surface is bonded to the bladder. In this configuration, the first surface is not co-planar with the bladder. If, however, the additional surface is considered to be the first surface (i.e., because it is co-planar), then the additional surface and the second surface are not opposite each other. Accordingly, Shorten does not disclose a configuration incorporating all of the elements from independent claim 20.

Lyden also does not disclose a configuration wherein the bladder and the footframe are substantially co-planar. Referring to Figure 2C of Lyden, no co-planar relationship between portions of the bladder and footframe that form the exterior are disclosed.

Based upon the above discussion, the Applicants respectfully submit that independent claim 20 is allowable over Shorten, Lyden, and combinations thereof. In addition, claims 21-37 should be allowable for at least the same reasons. Furthermore, claims 26 and 36 should be allowable as Goodwin does not remedy the deficiencies discussed above.

#### **VI. Discussion of Claims 38-45**

Independent claim 38 recites a method of manufacturing a sole component for an article of footwear. The method includes locating a reinforcing member within a first mold portion of a mold. A first sheet and a second sheet of polymer material are positioned between the first mold portion and a second mold portion of the mold. The first sheet is drawn against a surface of the first mold portion and against a surface of the reinforcing member to recess the reinforcing member into the first sheet and bond the reinforcing member to the first sheet. The second sheet is drawn against a surface of the second mold portion. In addition, a peripheral bond is formed between the first sheet and the second sheet by compressing the first sheet and the second sheet between the mold portions. At least a portion of the peripheral bond is located immediately adjacent a portion of the reinforcing member.

The Office Action rejects independent claim 38 as being anticipated by Shorten. Referring to Figures 8 and 9, for example, of Shorten, a peripheral bond is depicted as extending through a sidewall of the bladder, and the peripheral bond is approximately centrally located between upper and lower surface of the bladder. In this position, the peripheral bond is not located immediately adjacent any of the inserts. In contrast with independent claim 38,

therefore, Shorten does not disclose a configuration wherein the peripheral bond is located immediately adjacent a portion of the reinforcing member.

Based upon the above discussion, the Applicants respectfully submit that independent claim 38 is allowable over Shorten. In addition, claims 39-45 should be allowable for at least the same reasons. Furthermore, claim 44 should be allowable as Goodwin does not remedy the deficiencies discussed above.

#### **VII. Discussion of Claims 50-56**

Independent claim 50 recites a method of manufacturing a sole component for an article of footwear. The method includes locating a reinforcing member with a plurality of apertures within a first mold portion of a mold. A first sheet and a second sheet of polymer material are positioned between the first mold portion and a second mold portion of the mold. The first sheet is drawn against a surface of the first portion and against a surface of the reinforcing member to recess the reinforcing member into the first sheet and bond the reinforcing member to the first sheet. The second sheet is drawn against a surface of the second mold portion to define a second surface that is opposite the first surface. Air is evacuated from an area between the reinforcing member and the first sheet by drawing the air through the plurality of apertures. In addition, a peripheral bond is formed between the sidewall and the second surface by compressing the first sheet and the second sheet between the mold portions.

The Office Action rejects independent claim 50 as being anticipated by Shorten. While Shorten appears to disclose apertures in the inserts (see Figure 11, for example). There is no discussion that air is evacuated from an area between the inserts and the first sheet by drawing the air through the apertures.

Based upon the above discussion, the Applicants respectfully submit that independent claim 50 is allowable over Shorten. In addition, claims 51-56 should be allowable for at least the same reasons. Furthermore, claims 51 and 54-56 should be allowable as Goodwin does not remedy the deficiencies discussed above.

#### **VIII. Discussion of Claims 57-59**

Independent claim 57 recites a method of manufacturing a sole component for an article of footwear. The method includes, in part, locating a reinforcing member within a first mold

portion of a mold and in contact with a surface of the first mold portion. The reinforcing member having a first portion, a second portion, and a plurality of connecting portions extending between the first portion and the second portion. In addition, the method includes forming a peripheral bond between a sidewall and a second surface by compressing the first sheet and the second sheet between the mold portions in a location that is immediately adjacent at least part of the second portion of the reinforcing member.

The Office Action rejects independent claim 57 as being obvious over a combination of Goodwin and Shorten. Although Goodwin may disclose placing a textile member within a mold, Goodwin does not disclose contact between the textile member and the mold. While Shorten does disclose the inserts as being in contact with the mold, it would not be obvious to move the textile member of Goodwin to an exterior of the bladder considering that it is an entirely internal component. Furthermore, Goodwin discloses a bond between first and second sheets of polymer material, but does not disclose the bond as being immediately adjacent at least part of the textile member. Similarly, Shorten does not disclose the bond as being immediately adjacent the inserts. In contrast with independent claim 57, therefore, the combination of Goodwin and Shorten does not teach or suggest (a) a reinforcing member in contact with a mold and (b) a peripheral bond in a location that is immediately adjacent at least part of the second portion of the reinforcing member.

Based upon the above discussion, the Applicants respectfully submit that independent claim 57 is allowable over the combination of Goodwin and Shorten. In addition, claims 58-59 should be allowable for at least the same reasons.

#### **IX. Discussion of Claims 60-62**

Independent claim 60 recites a method of manufacturing a sole component for an article of footwear. The method includes forming a reinforcing structure with a first surface, a second surface, and a pair of bevel surfaces extending between the first surface and the second surface. The first surface is opposite the second surface, and each of the bevel surfaces form acute angles with the first surface and obtuse angles with the second surface. A fluid-filled bladder is molded from a polymer material. The reinforcing member is recessed into an exterior surface of the bladder such that the second surface is in contact with the bladder. In addition, at least the second surface of the reinforcing member is bonded to the bladder.

An example of the configuration for the reinforcing structure recited by independent claim 60 is illustrated in Figure 9F of the application at issue. This configuration is neither taught nor suggested by Shorten, Lyden, and Goodwin. Accordingly, the Applicants respectfully submit that independent claim 60 and claims 61-62 should be allowable.

#### **X. Discussion of Claim 63**

Independent claim 63 recites a method of manufacturing a sole component for an article of footwear. The method includes forming a reinforcing member with a first portion, a second portion spaced from the first portion, and a plurality of connecting portions extending between the first portion and the second portion. The reinforcing member is located within a mold. A fluid-filled bladder is molded from a polymer material. The bladder has a first surface, an opposite second surface, and a sidewall extending between the first surface and the second surface. The reinforcing member is recessed into an exterior surface of the bladder such that the first portion is adjacent the first surface, the second portion is adjacent the second surface, and the connecting portions extend along the sidewall. In addition, the reinforcing member is bonded to the bladder.

According to independent claim 63, the reinforcing member has a first portion, a second portion, and a plurality of connecting portions. In addition, the first portion is adjacent the first surface, the second portion is adjacent the second surface, and the connecting portions extend along the sidewall. This configuration is neither taught nor suggested by Shorten, Lyden, and Goodwin. Accordingly, the Applicants respectfully submit that independent claim 63 should be allowable.

#### **XI. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being filed by facsimile transmission on June 5, 2006. Should fees be deemed necessary for consideration of this Amendment, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for payment. If anything further is desirable to place the application in even better form for allowance, the

Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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